

BILL ANALYSIS

Senate Research Center
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S.B. 1389
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A recent study by The University of Texas found that 64 percent of construction workers have never received the basic federal Occupational Safety and Health Administration (OSHA) 10-hour safety training. Without this basic safety training, construction workers experience extremely high rates of workplace accidents with one in five workers experiencing a workplace injury that requires medical attention. Many of these accidents could be prevented by better training of the construction workforce on safe worksite practices. The OSHA 10-hour safety training provides basic information on safety regulations and safe worksite practices in the construction industry.

S.B. 1389 requires all workers on construction contracts with the state or a political subdivision of the state, including a municipality, county, public school district, or special purpose district or authority, to receive the OSHA 10-hour safety training. This training will help ensure worker safety on government construction contract jobs and ultimately result in a decreased number of workplace accidents. Additionally, requiring the OSHA 10-hour safety training for all state and political subdivision government construction contract jobs will ensure workers receive uniform safety training.

As proposed, S.B. 1389 amends current law relating to safety training for employees of certain contractors with a governmental entity.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 2252, Government Code, by adding Section 2252.907, as follows:

Sec. 2252.907. SAFETY TRAINING REQUIRED FOR EMPLOYEES BEFORE PERFORMING CONSTRUCTION WORK UNDER CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) Defines, in this section, "construction contract," "construction safety training," "contractor," "employee," "general construction," "governmental entity," and "subcontractor."

(b) Requires a governmental entity that enters into a construction contract, to the extent consistent with federal law, to require that the contractor ensure that all employees working on the general construction site that is the subject of the construction contract have completed construction safety training. Requires the contractor, before an employee works on the general construction site, to receive and provide to the governmental entity a certificate of training completion for the employee.

(c) Requires a governmental entity that enters into a construction contract to include in the contract notice and penalty provisions that:

(1) require the governmental entity to provide the contractor with written notice, hand delivered or by certified mail, of a violation of Subsection (b) by the contractor;

(2) require the contractor to comply with Subsection (b) by the 20th day after the date the contractor receives any notice of noncompliance with that subsection;

(3) inform a contractor that the governmental entity may impose an administrative penalty if the contractor fails to comply with Subsection (b) after the 20th day after the date the contractor receives notice of noncompliance with that subsection; and

(4) explain that a penalty amount may be withheld from a payment otherwise owed to the contractor under the construction contract.

(d) Provides that the amount of a penalty imposed under Subsection (c)(3) is \$100 per day for each employee working in noncompliance.

(e) Requires each governmental entity to develop procedures for the administration of this section.

SECTION 2. Provides that Section 2252.907, Government Code, as added by this Act, applies only to a contract for which the solicitation of qualifications, proposals, or other similar expressions of interest is published on or after September 1, 2011.

SECTION 3. Effective date: September 1, 2011.